

(E) in subsection (c), as redesignated by subparagraph (C), by adding at the end the following new sentence: "The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification."

(2) Section 1503(a) of such title is amended by striking out "section 1502(a)" and inserting in lieu thereof "section 1502(b)".

(3) Section 1504 of such title is amended by striking out "section 1502(a)(2)" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "section 1502(a)".

(4) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command."

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502(a) of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for."

(d) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person."

(e) MISSING PERSON'S COUNSEL.—(1) Sections 1503(f)(1) and 1504(f)(1) of such title are amended by adding at the end the following: "The identity of counsel appointed under this paragraph for a missing person shall be made known to the missing person's primary next of kin and any other previously designated person of the person."

(2) Section 1503(f)(4) of such title is amended by adding at the end the following: "The primary next of kin of a missing person and any other previously designated person of the missing person shall have the right to

submit information to the missing person's counsel relative to the disappearance or status of the missing person."

(3) Section 1505(c)(1) is amended by adding at the end the following: "The Secretary concerned shall appoint counsel to represent any such missing person to whom such information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title."

(f) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended by striking out in subsection (a) and inserting in lieu thereof the following:

"(a) REVIEW OF STATUS.—(1) If new information is found or received that may be related to one or more unaccounted for persons described in subsection (b) (whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person), that information shall be provided to the Secretary of Defense. Upon receipt of such information, the Secretary shall ensure that the information is treated under paragraphs (2) and (3) of section 1505(c) of this title and under section 1505(d) of this title in the same manner as information received under paragraph (1) of section 1505(c) of this title. For purposes of the applicability of other provisions of this chapter in such a case, each such unaccounted for person to whom the new information may be related shall be considered to be a missing person.

"(2) The Secretary concerned shall appoint counsel to represent each such unaccounted for person to whom the new information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.

"(3) For purposes of this subsection, new information is information that—

"(A) is found or received after the date of the enactment of the the National Defense Authorization Act for Fiscal Year 1998 by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

"(B) is identified after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 in records of the United States as information that could be relevant to the case of one or more unaccounted for persons described in subsection (b)."

(2) Such section is further amended by adding at the end the following new subsection:

"(d) ESTABLISHMENT OF PERSONNEL FILES FOR KOREAN CONFLICT CASES.—The Secretary of Defense shall ensure that a personnel file is established for each unaccounted for person who is described in subsection (b)(1). Each such file shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person."

(g) WITHHOLDING OF CLASSIFIED INFORMATION.—Section 1506(b) of such title is amended—

(1) by inserting "(1)" before "The Secretary";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) If classified information withheld under this subsection refers to one or more unnamed missing persons, the Secretary shall ensure that notice of that withheld information, and notice of the date of the most recent review of the classification of that withheld information, is made reasonably accessible to family members of missing persons."

(h) WITHHOLDING OF PRIVILEGED INFORMATION.—Section 1506(d) of such title is amended—

(1) in paragraph (2)—

(A) by striking out "non-derogatory" both places it appears in the first sentence;

(B) by inserting "or about unnamed missing persons" in the first sentence after "the debriefing report";

(C) by striking out "the missing person" in the second sentence and inserting in lieu thereof "each missing person named in the debriefing report"; and

(D) by adding at the end the following new sentence: "Any information contained in the extract of the debriefing report that pertains to unnamed missing persons shall be made reasonably accessible to family members of missing persons."; and

(2) in paragraph (3)—

(A) by inserting ", or part of a debriefing report," after "a debriefing report"; and

(B) by adding at the end the following new sentence: "Whenever the Secretary withholds a debriefing report, or part of a debriefing report, containing information on unnamed missing persons from accessibility to families of missing persons under this section, the Secretary shall ensure that notice that the withheld debriefing report exists is made reasonably accessible to family members of missing persons."

It was decided in the { Yeas 415
affirmative } Nays 2

¶71.27

[Roll No. 226]

AYES—415

Abercrombie	Christensen	Flake
Ackerman	Clay	Foglietta
Aderholt	Clayton	Foley
Allen	Clement	Forbes
Andrews	Clyburn	Ford
Archer	Coble	Fowler
Armey	Coburn	Fox
Bachus	Collins	Frank (MA)
Baessler	Combest	Franks (NJ)
Baker	Condit	Frelinghuysen
Baldacci	Conyers	Frost
Ballenger	Cook	Furse
Barcia	Cooksey	Galleghy
Barr	Costello	Ganske
Barrett (NE)	Coyne	Gejdenson
Bartlett	Cramer	Gekas
Barton	Crane	Gephardt
Bass	Crapo	Gibbons
Bateman	Cubin	Gilchrest
Becerra	Cummings	Gillmor
Bentsen	Cunningham	Gilman
Bereuter	Danner	Gonzalez
Berman	Davis (FL)	Goode
Berry	Davis (IL)	Goodlatte
Bilbray	Davis (VA)	Goodling
Bilirakis	Deal	Goss
Bishop	DeFazio	Graham
Blagojevich	DeGette	Granger
Bliley	Delahunt	Green
Blumenauer	DeLauro	Greenwood
Boehlert	DeLay	Gutierrez
Boehner	Dellums	Gutknecht
Bonilla	Deutsch	Hall (OH)
Bonior	Diaz-Balart	Hall (TX)
Bono	Dickey	Hamilton
Borski	Dicks	Hansen
Boswell	Dingell	Harman
Boucher	Dixon	Hastert
Boyd	Doggett	Hastings (FL)
Brady	Dooley	Hastings (WA)
Brown (CA)	Doolittle	Hayworth
Brown (FL)	Doyle	Hefley
Brown (OH)	Dreier	Hefner
Bryant	Duncan	Herger
Bunning	Dunn	Hill
Burr	Edwards	Hilleary
Burton	Ehlers	Hilliard
Buyer	Ehrlich	Hinchey
Callahan	Emerson	Hinojosa
Calvert	Engel	Hobson
Camp	English	Hoekstra
Campbell	Ensign	Holden
Canady	Etheridge	Hooley
Cannon	Evans	Horn
Capps	Everett	Hostettler
Cardin	Ewing	Houghton
Carson	Farr	Hoyer
Castle	Fattah	Hulshof
Chabot	Fawell	Hunter
Chambliss	Fazio	Hutchinson
Chenoweth	Filner	Hyde

Inglis	Miller (CA)	Schaffer, Bob
Istook	Miller (FL)	Scott
Jackson (IL)	Minge	Sensenbrenner
Jackson-Lee	Mink	Serrano
(TX)	Moakley	Sessions
Jefferson	Molinari	Shadegg
Jenkins	Moran (KS)	Shaw
John	Morella	Shays
Johnson (CT)	Myrick	Sherman
Johnson (WI)	Neal	Shimkus
Johnson, E. B.	Nethercutt	Shuster
Johnson, Sam	Neumann	Sisisky
Jones	Ney	Skaggs
Kanjorski	Northup	Skeen
Kaptur	Norwood	Skelton
Kasich	Nussle	Slaughter
Kelly	Oberstar	Smith (MI)
Kennedy (MA)	Obey	Smith (NJ)
Kennedy (RI)	Olver	Smith (OR)
Kennelly	Ortiz	Smith (TX)
Kildee	Oxley	Smith, Adam
Kim	Packard	Smith, Linda
Kind (WI)	Pallone	Snowbarger
King (NY)	Pappas	Snyder
Kingston	Parker	Solomon
Kleccka	Pascrell	Souder
Klink	Pastor	Spence
Klug	Paul	Spratt
Knollenberg	Paxon	Stabenow
Kolbe	Payne	Stearns
Kucinich	Pease	Stenholm
LaFalce	Pelosi	Stokes
LaHood	Peterson (MN)	Strickland
Lampson	Peterson (PA)	Stump
Lantos	Petri	Stupak
Largent	Pickering	Sununu
Latham	Pickett	Talent
LaTourette	Pitts	Tanner
Laiz	Pombo	Tauscher
Leach	Pomeroy	Tauzin
Levin	Porter	Taylor (MS)
Lewis (CA)	Portman	Taylor (NC)
Lewis (GA)	Poshard	Thomas
Lewis (KY)	Price (NC)	Thompson
Linder	Pryce (OH)	Thornberry
Livingston	Quinn	Thune
LoBiondo	Radanovich	Thurman
Lofgren	Rahall	Tiahrt
Lowey	Ramstad	Tierney
Lucas	Rangel	Torres
Luther	Redmond	Towns
Maloney (CT)	Regula	Traficant
Manzullo	Reyes	Turner
Markey	Riggs	Upton
Martinez	Riley	Velazquez
Mascara	Rivers	Vento
Matsui	Rodriguez	Visclosky
McCarthy (MO)	Roemer	Walsh
McCarthy (NY)	Rogan	Wamp
McCollum	Rogers	Waters
McCrery	Rohrabacher	Watkins
McDade	Ros-Lehtinen	Watt (NC)
McDermott	Rothman	Watts (OK)
McGovern	Roukema	Waxman
McHale	Roybal-Allard	Weldon (FL)
McHugh	Royce	Weldon (PA)
McInnis	Rush	Weller
McIntyre	Ryun	Wexler
McKeon	Sabo	Weygand
McKinney	Salmon	White
McNulty	Sanchez	Whitfield
Meehan	Sanders	Wicker
Meek	Sandlin	Wise
Menendez	Sanford	Wolf
Metcalfe	Sawyer	Woolsey
Mica	Saxton	Wynn
Millender-	Scarborough	Young (AK)
McDonald	Schaefer, Dan	Young (FL)

NOES—2

Moran (VA)

Murtha

NOT VOTING—17

Barrett (WI)	Lipinski	Owens
Blunt	Maloney (NY)	Schiff
Cox	Manton	Schumer
Eshoo	McIntosh	Stark
Gordon	Mollohan	Yates
Kilpatrick	Nadler	

So the amendment was agreed to.

71.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BUYER:

At the end of title VII (page 288, after line 21), insert the following new subtitle:

Subtitle F—Persian Gulf Illness

SEC. 751. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peace-keeping operation, or similar operation.

SEC. 752. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENTS OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government to provide full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOW-UP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 753. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions made by the Secretary of Defense to the criteria used by Physical Evaluation Boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness. Such revisions were required by section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note).

SEC. 754. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by insert-

ing after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peace-keeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the record-keeping requirements are met."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas."

SEC. 755. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 756. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical, biological, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 757. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section: